

SHORT VIEW
OF THE
EXTENT AND IMPORTANCE
OF
MEDICAL JURISPRUDENCE,
CONSIDERED AS
A BRANCH OF EDUCATION.

WHATEVER aid the science of medicine can contribute towards the good of the State and the execution of its laws, has been by the Germans denominated State Medicine; a new, but not improper, appellation, for what has by some writers been denominated Medical Jurisprudence.

It comprehends both Medical Police and Juridical Medicine. The former consists of the medical precepts which may be of use to the legislature or to the magistracy. The latter is the aggregate of all the information, afforded by the different branches of medicine, which is necessary for elucidating doubtful questions in courts of law.

Although there be some traces of Juridical Medicine in the Justinian Code; such as determining the real period of birth, with a view to prevent the imposition of spurious children;

children ; it properly originated with the code of laws enacted by the Emperor Charles V., under the name of *Constitutio criminalis Carolina* ; in which it is ordained, that the opinions of physicians should be taken, with regard to the danger of wounds, child-murder, murder, poisoning, procured abortion, concealed pregnancy, &c. These directions, and the impossibility which was found of determining many questions by simply legal means, induced some legislators to enjoin, that all tribunals and judges should procure from sworn physicians, appointed to this office, their opinions concerning all the subjects to be mentioned hereafter.

Since that time, it has been treated systematically by many learned men ; such as Fortunatus Fidelis, Zacchias, Alberti, Hebenstreit, Haller, Ludwig, Plenck ; and lastly, in the most masterly manner, by Metzger. Numberless dissertations have been written on all its parts ; and amongst those who have contributed to its advancement, we may reckon Ambrose Parry, Bohn, Buttner, Morgagni, Camper and Gruner. Collections of cases, illustrating its principles, have been made by Amman, Daniel, Bucholz, Pyl, Scherf, and Metzger. These are only a few of the principal writers, who have attended to this science : to enumerate more would be unnecessary.

From its very nature, it is evident how necessary a knowledge of this science must be to every medical practitioner, who is liable to be called upon to illustrate any question comprehended under it before a court of justice. On his answers, the fate of the accused person must often depend : both Judge and Jury regulating their decision by his opinion. On the other hand, while he is delivering his sentiments, his own reputation is before the bar of the public. The acuteness of the gentlemen of the law is universally acknowledged ; the versatility of their genius, and the quickness of their apprehension,

hension, are rendered almost inconceivable, by constant exercise. It is their duty to make every possible exertion for the interest of their client, and they seldom leave unnoticed any inaccurate or contradictory evidence. How cautious must then a medical practitioner be, when examined before such men, when it is their duty to expose his errors, and to magnify his uncertainties, till his evidence seem contradictory and absurd? How often must he expose himself to such severe criticism, if he be not master of the subject on which he is giving evidence, and have not arranged his thoughts on it according to just principles? On the other hand, he may deserve and gain much credit, by so public a display of judgment and professional knowledge.

Some acquaintance with this part of medical science must be useful at least, and sometimes necessary, to Judges and Lawyers. They will thus be enabled to estimate how much they may depend on the opinion of any Physician, and will know how to direct their questions, so as to arrive at the truth, and avoid being misled by his partiality or favourite opinions. To the Lawyer who conducts the defence of an accused person, in a criminal case, it is almost indispensable; without it he cannot do justice to the cause of his client.

Before Criminal Courts, the questions which occur most generally are, respecting,

1. The cause of death, as ascertained from the examination of the body.
2. The sufficiency of the supposed cause to have produced death.
3. Probable event of wounds, contusions, &c.
4. The importance of the part injured.
5. Supposed child-murder, whether still-born or not.
6. Whether death accidental or intended.
7. Abortion; its having occurred

8. Spontaneously, from habit ; accidentally, from external violence or passions of the mind ; or intentionally, from the introduction of a sharp instrument, use of certain drugs, &c.
9. Rape ; its being attempted or consummated ; recent or previous defloration.
10. The responsibility of the accused for his actions.

Before Civil Courts, the questions generally regard,

1. The state of mind ; madness, melancholy, idiotism.
2. Pregnancy ; concealed, pretended.
3. Parturition ; concealed, pretended, retarded, premature.
4. The first-born of twins.
5. Diseases ; concealed, pretended, imputed.
6. Age and duration of life.

Before Consistorial Courts, the subjects investigated are,

1. Impotence ; general, relative, curable, incurable.
2. Sterility ; curable, relatively incurable, absolutely incurable.
3. Uncertainty of sex ; hermaphrodites.
4. Diseases preventing cohabitation ; venereal disease, leprosy, &c.

MEDICAL POLICE.

Of incomparably greater consequence, and more widely extended influence, is the second division of this subject ; it regards not merely the welfare of individuals, but the prosperity and security of nations. It is perhaps the most important branch of general police, for its influence is not confined to those whom accidental circumstances bring within
its

its sphere, but extends over the whole population of the state.

Many of its principles have been long acknowledged, and considered as necessary consequences of medical and political truths ; and some few of them have acquired the authority of laws. But it was reserved for the philanthropic Frank, to collect the whole into one vast and beneficent system, and to separate it from Juridical Medicine ; in the old systems of which, it was neglected, or mentioned only in a few short paragraphs. His enlarged mind perceived at once, and fully vindicated its importance. The very name of Medical Police, is now sufficient to attract the attention of Legislators and of Magistrates, make them desirous of becoming acquainted with its principles, and anxious to see them carried into execution. In fact, its influence is already visible in the countries where it is cultivated. If the principles of Medical Police were separated from the professional part of medicine, and communicated in a form generally intelligible, in what country have we reason to expect more beneficial effects from its influence, than in this ? Where is the spirit of patriotism and benevolence so prevalent ? What nation is more generous in its public institutions ? Where does the individual sacrifice a part of his wealth so willingly for the benefit of the community ? It seems only necessary to prove that an undertaking will be of advantage to the State, to have it carried into instant execution. But, can medical knowledge be more usefully employed, than in pointing out the means of preserving or improving health ; of supplying healthy nourishment to the poor, especially in times of scarcity ; of opposing the introduction of contagious diseases, and of checking their progress ; of securing to the indigent the advantages intended by their benefactors ; of rearing the orphan to be the support

port of the nation which has adopted him ; and of diminishing the horrors of confinement to the poor maniac and the criminal ? These good effects are not to be promoted so much by rigid laws, as by recommendation and example. Nor can it be reasonably objected to a system of Medical Police, that it is a pleasing dream, which flatters the imagination, but the execution of which is in reality impracticable. As well might we entirely throw aside the rules of humanity, because no one is able to observe them all ; or live without laws, because no existing code is unexceptionable.

Medical Police may be defined, the application of the principles deduced from the different branches of medical knowledge, for the promotion, preservation and restoration of general health.

The effects to be expected from it are the general welfare of the State, and increase of healthy population ; and are to be attained by means of public institutions, express laws, and popular instruction. Instructing the people, and convincing them of the propriety of certain precautions and attentions, in regard to their own and the general state of health, is necessary to secure the good effects of our public institutions and regulations ; to obtain respect and obedience in many things, to which no express law can be adapted ; and, to induce them to forego what may be prejudicial to the safety of the community, and of themselves.

Public medical institutions and laws, must be adapted to the country for which they are intended. Many local circumstances, national character, habits of life, prevalent customs and professions ; situation, climate, &c. make considerable varieties necessary. And many institutions, many a law which would be highly beneficial to the public health, in some circumstances, would be useless, impracticable, and even hurtful, in others. These causes and their effects, must, therefore, be particularly attended to.

The

The principal authors who have written on this subject, are Alberti, Heister, Plaz, Frank, Hufsty, Metzger and Hebenstreit; to whom we may add Howard and Rumford.

The subjects which it comprehends, cannot be classed very regularly or systematically. Its views will be different, according to occasional and temporary causes; and its interference may sometimes be advantageously extended beyond what may seem the strict limits of a branch of the medical profession.

MEDICAL POLICE RELATES TO

THE SITUATION OF PLACES OF ABODE. Construction of houses.

AIR. Means of counteracting its impurity—Its various impregnations.

WATER. Its necessity and purity.

FOOD. Its various kinds—Comparative quantities of nourishment afforded by them—Cheaper kinds, which may be safely substituted in times of scarcity—Bread—Animal food—Butcher meat—Fish—Vegetables—Vessels—Cookery—Healthy—Oeconomical.

DRINK. Beer—Ale—Porter—Cyder—Spiritous liquors—Wine—Warm drinks—Adulterations of these liquors—Hurtful additions—Vessels.

FIRE and LIGHT.

CLOTHING.

CLEANLINESS.

PROFESSIONS. Manufacturers—Mechanics—Soldiers—Sailors—Men of letters.

HEALTHY PROPAGATION.

PREGNANT and PUERPERAL WOMEN.

NEW BORN INFANTS. Registers of births.

PHYSICAL EDUCATION.

PREVENTION

PREVENTION of ACCIDENTS. From poison—Hurtful Effluvia—Maniacs—Rabid animals.

RESTORATION of the APPARENTLY DEAD. Humane Societies—Care of the dying—Danger of too early—too late burial—Places of interment—manner of conducting it—Bills of mortality.

CONTAGIOUS and EPIDEMIC DISEASES. Plague—Putrid fever—Dysentery—Small-pox—Inoculation—Extirpation of them—Leprosy—Itch and pox—Precautions to be taken, to prevent their introduction; to diminish their violence, to destroy their cause, and to counteract their effects.

MANAGEMENT of PUBLIC INSTITUTIONS, in which many people are collected under the care of the Public.

Hospitals for the Indigent :

1. Lying-in Hospitals.
2. Foundling ditto.
3. Orphan ditto.
4. Hospitals for Education.
5. Aged.
6. Blind.
7. Maimed.

Military Hospitals.

Prisoners of War.

Lazarettoes.

Work-houses.

Prisons.

Hospitals for the Sick.

Maniacs.

Convalescents.

Incurables.